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9 *Home Depot U.S.A, Inc.*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF NEVADA**

12 KEVIN MITCHELL, an individual,

CASE NO.: 2:21-CV-01778 RFB-BNW

13 Plaintiff,

14 v.

15 HOME DEPOT U.S.A., INC.; a foreign
16 Corporation; DOES 1-20; and ROE
17 COMPANIES 1-20, inclusive,

**NOTICE AND REQUEST FOR
WITHDRAW OF
CONFIDENTIALITY STIPULATION
AND PROTECTIVE ORDER;
[PROPOSED] ORDER**

18 Defendants.

19 PLEASE TAKE NOTICE that Defendant *Home Depot, Inc.*, by and through their
20 attorneys of record, Lynn V. Rivera, Esq. of the law firm of RESNICK & LOUIS, P.C., hereby
21 Request that the U.S.D.C. for the District of Nevada, withdraw the Confidentiality Stipulation
22 and Protective Order that was inadvertently filed on January 4, 2022 due to a clerical error in
23 that the Confidentiality Stipulation and Protective Order was submitted to the Court prematurely
24 by Ms. Rivera's assistant, Kristy Gouveia.

25 On February 8, 2022, Defendant's counsel sent an e-mail to Scott Philippus, counsel for
26 plaintiff, informing him that the Court denied the Stipulation because Defendant referred to the
27 Nevada Rules of Evidence rather than the Federal Rules of Evidence. Therefore, counsel for
28 Defendant made the necessary changes pursuant to the Court's reason for denial. Ms. Rivera's
assistant received a copy of said e-mail and filed the Confidentiality Stipulation and Protective
Order without proper authority from plaintiff's counsel, Scott Philippus.

1 On February 9, 2022, Ms. Gouveia contacted the Honorable Brenda Weksler's Court's
2 Administrator, Jeffrey Miller, and informed Ms. Gouveia that Chambers would hold the
3 proposed order.

4 On February 14, 2022, Ms. Gouveia contacted the Court's Administrator, Jeffrey Miller,
5 to inquire as to whether the Court would accept an Amended Confidentiality Stipulation and
6 Protective Order. Mr. Miller informed Ms. Gouveia at 5:05 p.m. on February 14, 2022, that a
7 Request for Withdraw would need to be filed first, then the Amended Stipulation and Protective
8 Order, when filed, would go straight to Chambers for consideration. Mr. Miller informed Ms.
9 Gouveia that a Request for Withdraw was needed in order to keep the record straight.

10 Respectfully Submitted:

11
12
13 DATED: February 15, 2022

RESNICK & LOUIS, P.C.

14 /s/ Lynn Rivera

15 LYNN RIVERA, ESQ.
16 Attorneys for Defendant
HOME DEPOT U.S.A., INC.

17
18 **ORDER**

19 IT IS ORDERED that ECF No. 20 is
20 GRANTED.

21 IT IS FURTHER ORDERED that ECF No.
22 19 is DENIED as moot.

23 IT IS SO ORDERED

DATED: 5:13 pm, February 22, 2022

24 

25 BREND A WEKSLER
26 UNITED STATES MAGISTRATE JUDGE
27
28

CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of **RESNICK & LOUIS, P.C.**, and that on the 15th day of February, 2022, the foregoing **NOTICE AND REQUEST FOR WITHDRAW OF CONFIDENTIALITY STIPULATION AND PROTECTIVE ORDER; [PROPOSED] ORDER**, a copy of which is attached hereto, was served upon the following parties via electronic service and U.S. Mail, postage prepared, addressed as follows:

SCOTT E. PHILIPPUS,ESQ.
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